IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 20901 of 2007(L)

PETITIONER:

SHRI T.J. GEORGE,
CHAIRMAN, BASIL LITERARY, EDUCATIONAL AND
SCIENTIFIC SOCIETY, KOTHAMANGALAM.

BY ADV. SRI.K.JAYAKUMAR

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. THE COMMISSIONER FOR LAND REVENUE,
TRIVANDRUM.

3. THE DISTRICT COLLECTOR, IDUKKI.

4. THE TAHSILDAR,
UDUMBANCHOLA, IDUKKI.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION

ON 06/07/2007 , THE COURT ON 06/07/2007 DELIVERED THE

FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 20901 OF 2007 - L

Dated this the 6th day of July, 2007

J U D G M E N T

The petitioner is sought to be evicted from the property on the ground that the assignment granted to the petitioner is liable to be cancelled for violation of the conditions of the patta. The orders cancelling the patta have not been issued, yet. However, pursuant to a show cause notice, the petitioner has filed his objection and a hearing has been conducted. The petitioner apprehends that the orders would be passed today and the day after, the petitioner would be evicted from the property. He therefore seeks a direction not to enforce the orders to be passed for a period of two weeks from the date of service of the order so as to seek appellate remedies.

2. I have heard the learned Government pleader also who stoutly opposes the prayer.

3. I am of opinion that when the statute itself prescribes a period within which the petitioner can file a statutory appeal against the order under Rule 8(3) of the

Kerala Land Assignment Rules, unless there are some compelling reasons to do so, the petitioner should be given some time to seek appellate remedies. No special reasons could be gathered from the documents before me in that regard. Therefore, I am of the opinion that after the orders are passed, the petitioner should be given a reasonable opportunity to seek his statutory remedies and obtain orders from the statutory Appellate Authorities.

3. In the above circumstances, I dispose of this writ petition with a direction to the respondents that orders, if any, passed against the petitioner in the proceedings pending shall not be implemented for ten days after the service of the orders on the petitioner.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007